

## **RULES AND CODE UPDATE**

### **December 1, 2009, changes to Federal Statutes, Federal Rules of Bankruptcy Procedure, and Local Rules – Including Time Computation Related Amendments to the Statutes, Rules and Local Rules to Revise Time Periods**

Most of the time computation related changes to the rules simply change time periods of less than 30 days to multiples of seven days. The underlying conceptual change was to adopt a "days are days" approach to counting time, as opposed to the former practice of excluding intervening weekends and holidays from periods of less than eight days.

Generally,

- 5 day deadlines become 7 days,

- 10 and 15 day deadlines become 14 days,

- 20 day deadlines become 21 days,

- 25 day deadlines become 28 days,

- No changes are contemplated to rules with deadlines of less than 5 days.

### **Federal Rules of Bankruptcy Procedure**

The following new rules and amendments to the Federal Rules of Bankruptcy Procedure take effect on December 1, 2009:

Non-computation amendments and new rule: Bankruptcy Rules 2016, 4008, 7052, 9006, 9021, 9023, and new Rule 705.

Time computation related amendments: Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033.

### **Local Rules of the Bankruptcy Court of the Middle District of Florida**

The following changes to the Local Rules of the Bankruptcy Court of the Middle District of Florida relating to time computation take effect on December 1, 2009:

Local Rules 2002-4, 2090-1, 2091-1, 3020-1, 3071-1, 5003-1, 5005-3, 5011-1, 5011-2, 6004-1, 7005-1, 7026-1, 7030-1, 9015-1, 9019-1, 9019-2.

The Judicial Conference did not change Bankruptcy Rule 4001(d)(2) and (3). Therefore, the 15 day period in Local Rule 2002-4(b)(4)(1), which deals with motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Fed. R. Bankr. P. 4001(d), will not change at this time. It is anticipated though that the Judicial Conference will approve changes to Bankruptcy Rule 4001(d)(2) and (3). The changes are anticipated to be effective on December 1, 2010 and

at that time the 15 day period in Local Rule 2002-4(b)(4)(1) will change to a 14 day period.

The deadline in the Negative Notice legend of Local Rule 2002-4(b)(3) that deals with an interested party's time to object will now run from the date the paper is entered on the docket instead of the date of service.

### **Bankruptcy Code**

On May 7, 2009, to avoid shortening certain statutory time periods under the new counting method, the President signed PL 111-16, changing the deadlines in the following sections of the Bankruptcy Code from five days to seven days effective December 1, 2009:

- (1) section 109(h)(3)(A)(ii);
- (2) section 322(a);
- (3) section 332(a);
- (4) section 342(e)(2);
- (5) section 521(e)(3)(B);
- (6) section 521(i)(2);
- (7) section 704(b)(1)(B);
- (8) section 749(B); and
- (9) section 764.

Copies of the new Federal Rules and amendments are posted in Word and PDF format at <http://www.uscourts.gov/rules/supct0309.html>.

Red lined copies of the amended Local Rules are on our website.

[Click here to view the amended and all Local Rules.](#)